



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Dan DeJonge, Facility Manager
Hudsonville Creamery & Ice Cream LLC
dan@hudsonvilleicecream.com

Re: Finding of Violation
Hudsonville Creamery & Ice Cream LLC
Holland, Michigan

Dear Dan DeJonge:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Hudsonville Creamery & Ice Cream LLC ("Hudsonville" or "you") under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). We find that you are violating Section 112(r)(7)(E) of the Clean Air Act, 42 U.S.C. § 7412(r)(7)(E), and certain regulatory provisions set forth in the Chemical Accident Prevention Provisions (CAPP) at 40 C.F.R. Part 68, at your Holland, Michigan facility.

Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3), gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Manojkumar P. Patel. You may call Manojkumar Patel at (312) 353-3565 or email Manojkumar Patel at patel.manojkumar@epa.gov to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

Sarah Marshall

Supervisor, Air Enforcement and Compliance Assurance Section (MI/WI)

Enclosure The Small Business Regulatory Enforcement Fairness Act Fact Sheet

cc: Jenine Camilleri, Enforcement Unit Supervisor, EGLE
 Rex Lane, District Supervisor, EGLE

5. Section 112(r)(7)(B)(ii) of the Act, 42 U.S.C. § 7412(r)(7)(B)(ii), provides that the regulations under this subparagraph shall require the owner or operator of stationary sources at which a

regulated substance is present in more than a threshold quantity to prepare and implement a Risk Management Plan (RMP) to detect and prevent or minimize accidental releases of such substances from the stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

6. Pursuant to Section 112(r) of the Act, 42 U.S.C. § 7412(r), the Administrator initially promulgated a list of regulated substances, with threshold quantities for applicability, at 59 Fed. Reg. 4478 (January 31, 1994), which is codified, as amended, at 40 C.F.R. § 68.130.

7. Section 112(r)(7)(E) of the Act, 42 U.S.C. § 7412(r)(7)(E), provides that after the effective date of any regulation or requirement promulgated pursuant to Section 112(r) of the Act, it shall be unlawful for any person to operate any stationary source in violation of such regulation or requirement.

B. Chemical Accident Prevention Provisions

(a) Applicability

8. 40 C.F.R. § 68.10(a) provides, in part, that the owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 C.F.R. § 68.115, shall comply with the requirements of the CAPP no later than the date on which a regulated substance is first present above a threshold quantity in a process.

9. 40 C.F.R. § 68.3 defines “stationary source” as any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under the common control), and from which an accidental release may occur.

10. 40 C.F.R. § 68.3 provides that “regulated substance” means any substance listed pursuant to Section 112(r)(3) of the Act at 40 C.F.R. § 68.130.

11. Table 1 at 40 C.F.R. § 68.130(a) lists Ammonia (anhydrous) (CAS#7664-41-7) as a regulated toxic substance with a threshold quantity of 10,000 pounds.

12. 40 C.F.R. § 68.3 provides that “process” means any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For purposes of this definition, a single process includes any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release.

13. 40 C.F.R. § 68.3 provides that a “covered process” means a process that has a regulated substance present in more than a threshold quantity as determined under 40 C.F.R. § 68.115.

14. 40 C.F.R. § 68.12 defines three Program levels based on processes’ relative potential for public impacts and the level of effort needed to prevent accidents. For each Program level, the rule defines requirements that reflect the level of risk and effort associated with the processes at that level. In addition to the general requirement to submit a single RMP, a source subject to Program 3 requirements must develop management systems, conduct hazard assessments, implement prevention requirements, coordinate response actions, and develop emergency response programs.

15. 40 C.F.R. § 68.10(i) provides, in part, that a covered process is subject to Program 3 requirements if the process does not meet the requirements of 40 C.F.R. § 68.10(g) and if either of the following conditions is met: the process is in NAICS code 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311, or 32532; or the process is subject to the U.S. Occupational Safety and Health Administration (OSHA) process safety management standard, 29 C.F.R. § 1910.119.

(b) Management

16. 40 C.F.R. § 68.15(a) and (c) of CAPP provide, in part, that the owner or operator of a stationary source with processes subject to Program 3 requirements shall develop a management system to oversee the implementation of the risk management program elements, and, when the responsibility for implementing the individual requirements is assigned to persons other than a qualified person or position as provided in Section 68.15(b) of CAPP, that the owner or operator shall document the names or positions of those people responsible for implementing the individual requirements and define the lines of authority through an organizational chart or similar document.

(c) Process Safety Information

17. 40 C.F.R. § 68.65(a) provides that the owner or operator of a stationary source with a process subject to Program 3 shall complete a compilation of written process safety information before conducting any process hazard analysis required by the rule. The compilation of written process safety information is to enable the owner or operator and the employees involved in operating the process to identify and understand the hazards posed by those processes involving regulated substances. This process safety information shall include information pertaining to the hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process.

18. 40 C.F.R. § 68.65(c)(1) states that the information pertaining to the technology of the process shall include: (iv) safe upper and lower limits for such items as temperatures, pressures, flows or compositions; and (v) an evaluation of the consequences of deviations.

19. 40 C.F.R. § 68.65(d)(1) states that the information pertaining to the equipment in the process shall include: (i) materials of construction; (ii) piping and instrument diagrams (P&ID's); (iii) electrical classification; (iv) relief system design and design basis; (v) ventilation system design; (vi) design codes and standards employed; (vii) materials and energy balances for processes; and (viii) safety systems.

(d) Process Hazard Analysis

20. 40 C.F.R. § 68.67(a) of CAPP provides, in part, that the owner or operator of a stationary source with a process subject to Program 3 shall perform a process hazard analysis appropriate to the complexity of the process and shall identify, evaluate, and control the hazards involved in the process.

21. 40 C.F.R. § 68.67(e) states that the owner or operator shall establish a system to promptly address the team's process hazard analysis findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; communicate the actions to operating, maintenance and other employees whose work assignment are in the process and who may be affected by the recommendations or actions.

22. 40 C.F.R. § 68.67(f) states that at least every five (5) years after the completion of the initial process hazard analysis, the process hazard analysis shall be updated and revalidated by a team meeting the requirements in 40 C.F.R. § 68.67(d) to assure that the process hazard analysis is consistent with the current process. Updated and revalidated process hazard analyses completed to comply with 29 C.F.R. § 1910.119(e) are acceptable to meet the requirements.

23. 40 C.F.R. § 68.67(g) states that the owner or operator shall retain process hazard analyses and updates or revalidations for each process covered by this section, as well as the documented resolution of recommendations described in Section 68.67(e) for the life of the process.

(e) Operating Procedures

24. 40 C.F.R. § 68.69(a) states that the owner or operator shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements: (1) steps for each operating phase; (2) operating limits; (3) safety and health considerations; and (4) safety systems and their functions.

25. 40 C.F.R. § 68.69(c) states that the operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. The owner or operator shall certify annually that these operating procedures are current and accurate.

26. 40 C.F.R. § 68.69(d) states that the owner or operator shall develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a stationary source by maintenance, contractor, laboratory, or other support personnel. These safe work practices shall apply to employees and contractor employees.

(f) Training

27. 40 C.F.R. § 68.71(a)(1) states that each employee presently involved in operating a process, and each employee before being involved in operating a newly assigned process, shall be trained in an overview of the process and in operating procedures. The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks.

28. 40 C.F.R. § 68.71(b) states that refresher training shall be provided at least every three years, and more often, if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to current operating procedures of the process. The owner or operator shall determine the appropriate frequency of refresher training.

29. 40 C.F.R. § 68.71(c) states that the owner or operator shall ascertain that each employee involved in operating a process has received and understood the training required and shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that employee understood the training.

(g) Mechanical Integrity

30. 40 C.F.R. § 68.73(b) states that the owner or operator of a stationary source with processes subject to Program 3 shall establish and implement written procedures to maintain the ongoing integrity of process equipment.

31. 40 C.F.R. § 68.73(c) provides that the owner or operator of a stationary source with processes subject to Program 3 shall train each employee involved in maintaining the on-going integrity of process equipment in an overview of that process and its hazards and in the procedures applicable to the employee's job tasks to assure that the employee can perform the job tasks in a safe manner.

32. 40 C.F.R. § 68.73(d)(1) provides that inspections and tests shall be performed on process equipment.

33. 40 C.F.R. § 68.73(d)(2) provides that inspections and testing procedures shall follow recognized and generally accepted good engineering practices.

34. 40 C.F.R. § 68.73(d)(3) provides that the frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.

35. 40 C.F.R. § 68.73(d)(4) provides that the owner or operator shall document each inspection and test that has been performed on process equipment. The documentation shall identify the date of inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, and the results of the inspection or test.

(h) Management of Change

36. 40 C.F.R. § 68.75(d) provides that if a change covered by this paragraph results in a change in the process safety information required by Section 68.65, such information shall be updated accordingly.

37. 40 C.F.R. § 68.75(e) provides that if a change covered by this paragraph results in a change in the operating procedures or practices required by Section 68.69, such information shall be updated accordingly.

(i) Pre-startup Review

38. 40 C.F.R. § 68.77(b)(4) provides that the pre-startup safety review shall confirm that prior to the introduction of regulated substances to a process, training of each employee involved in operating a process has been completed.

(j) Compliance Audits

39. 40 C.F.R. § 68.79(d) provides that the owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

(k) Incident Investigation

40. 40 C.F.R. § 68.81(e) provides that the owner or operator shall establish a system to promptly address and resolved the incident report findings and recommendations. Resolutions and corrective actions shall be documented.

(l) Contractors

41. 40 C.F.R. § 68.87(b)(3) provides that the owner or operator shall explain to the contract owner or operator the applicable provisions of the emergency response provisions of 40 C.F.R. Part 68, subpart E.

42. 40 C.F.R. § 68.87(b)(4) provides that the owner or operator shall develop and implement safe work practices consistent with Section 68.69(d), to control the entrance, presence, and exit of the contract owner or operator and contract employees in covered process areas.

43. 40 C.F.R. § 68.87(b)(5) provides that the owner or operator shall periodically evaluate the performance of the contract owner or operator in fulfilling their obligations as specified in 40 C.F.R. § 68.87(c).

(m) Emergency Response Program

44. 40 C.F.R. § 68.95(a) provides that the owner or operator shall develop and implement an emergency response program for the purpose of protecting public health and the environment.

45. 40 C.F.R. § 68.95(a)(2) provides that the emergency response program shall include procedures for the use of emergency response equipment and for its inspection, testing, and maintenance.

II. Statement of Facts

46. Hudsonville owns and operates an ammonia refrigeration system at its ice cream manufacturing facility at 345 E. 48th Street, Holland, Michigan (Facility), which began operation in or around 2004. The ammonia refrigeration system was located in the Facility's "engine room."

47. Hudsonville's ammonia refrigeration system had an initial charge of 23,609 pounds anhydrous ammonia (CAS#7664-41-7) when operations began in 2004. Hudsonville referred to the ammonia refrigeration system as originally constructed as Old System Phase 1.

48. In or around July 2020-2021, Hudsonville upgraded the original engine room to increase manufacturing capacity and added lines #4 and #5 and installed 3 compressors, 2 vessels, and a condenser in the original engine room. Hudsonville referred to this project as Old System Phase 2.

49. In or around 2020-2021, Hudsonville initiated a new warehouse freezer project by installing several pieces of equipment in the new engine room #2. Hudsonville referred to this project as Freezer Machine Room Phase #1. Hudsonville added an additional 27,624 pounds of anhydrous ammonia (CAS#7664-41-7) in the system during Freezer Machine Room Phase #1.

50. In or around 2021-2022, Hudsonville upgraded the new engine room #2 to increase manufacturing capacity and installed a new blast freezer for line #6 and installed additional compressors and one vessel. Hudsonville referred to this project as Freezer Machine Room Phase #2 and it is currently ongoing.

51. Hudsonville's use, storage, and handling of the anhydrous ammonia at the Facility is a "process," as that term is defined at 40 C.F.R. § 68.3.

52. Hudsonville is a "person," as that term is defined at Section 302(e) of the Act, 42 U.S.C. § 7602(e).

53. The Facility is a "stationary source," as that term is defined at 40 C.F.R. § 68.3.

54. The Facility's ammonia process contains greater than the threshold quantity of 10,000 pounds of anhydrous ammonia, listed at 40 C.F.R. § 68.130, and therefore is subject to the requirements of the CAPP, in accordance with 40 C.F.R. § 68.10(a), and the requirements of Program 3, in accordance with 40 C.F.R. § 68.10(i).

55. On May 25 and 26, 2022, an authorized representative of EPA conducted an announced compliance inspection at the Facility to determine compliance with the Risk Management Program regulations.

56. Hudsonville provided numerous documents prior to and during the May 25-26, 2022 inspection. These documents were related to various aspects of its RMP including management system, emergency response plan, process hazard analysis, operating procedures, training, mechanical integrity, management of change, hot work, compliance audits, pre-startup review, and contractors. The information gathered from the inspection and documents includes, but is not limited to, the facts set forth below.

(a) Management

57. Hudsonville did not assign a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements.

(b) Process Safety Information

58. Hudsonville did not include necessary information in its process safety information such as the safe upper and lower limits for temperatures, pressures, flows or composition for Old System Phase 1 and 2.

59. Hudsonville did not include the evaluation of consequences of deviation from the safe upper and lower limits in its process safety information.

60. Hudsonville did not document information pertaining to ventilation system design, including the calculation to justify selection of the ventilation system, for Old System Phase 1 and 2 and Freezer Machine Room Phase 1 and 2.

61. Hudsonville did not include the safety system of the covered process for the Old System Phase 1 and 2 in its process safety information.

(c) Process hazard analysis

62. Hudsonville conducted a process hazard analysis in January 2019. There are recommendations in the process hazard analysis that have no documented resolution.

63. Hudsonville's document titled PHA HIC (Phase 2 of Expansion) did not develop a written schedule of when the process hazard analysis actions would be completed, and left items open with no due dates. Specifically, Item #5.01, Air Unit Evaps, Item #7.01, Piping, and Item #7.14, Valves, do not have due dates.

64. Hudsonville did not update or revalidate the process hazard analysis at least every five years after the completion of the initial analysis to assure consistency with the current process.

65. Hudsonville did not retain the process hazard analysis and updates/revalidations for each covered process and resolutions of recommendations for the life of the process.

(d) Operating procedures

66. Hudsonville submitted Standard Operating Procedures (SOPs) and provided a document titled 2.10 Safe Operating Limits and Conseq of Deviation that lists the safety systems but Hudsonville's documents do not address the functionalities of the safety system for Freezer Machine Room Phase 1 and 2.

67. Based on the documents provided to EPA, Hudsonville did not certify that the operating procedures are current and accurate in 2021 and 2022.

68. While reviewing the SOP for BC-1 Booster Screw Compressor, EPA observed that no pre-startup checklist activities exist. The operating limits in the SOPs for BC-1 are different from the document titled 2.10 Safe Upper and Lower Operating Limits and Conseq of Deviation.

69. Hudsonville did not develop and implement safe work practices for employees and contractor employees to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entry of personnel into the stationary source.

(e) Training

70. Hudsonville did not provide training certificates for employees involved in operating covered processes including Freezer Machine Room Phase 1 and 2.

71. Hudsonville did not provide documentation of initial training that included emphasis on safety and health hazards, emergency operations including shutdown and safe work practices. Alternatively, Hudsonville did not provide documentation that certifies in writing that employees involved in covered processes have the required knowledge, skills, and abilities to safely carry out the work responsibilities.

72. Hudsonville did not provide refresher training documents for employees involved in the covered processes to assure that the employee understood and adhered to current operating procedures of the process.

73. Hudsonville provided three excel sheets of trainings from 2020 to 2022 with dates of completion and names of employees. However, the documentation did not contain the means used to verify that employee understood the training and multiple employees had failed to complete trainings.

(f) Mechanical Integrity

74. Hudsonville did not provide documentation that it implemented written procedures to maintain ongoing integrity of the process equipment.

75. Hudsonville's certification documents did not show that it trained every employee to maintain the on-going integrity of the process equipment.

76. Hudsonville performed inspections and tests on some of the equipment that was part of Old System Phase 1 and 2 in or around 2018. Hudsonville did not test all process equipment in 2018.

77. Hudsonville did not follow recognized and generally accepted good engineering practices including ANSI IIAR 6-2019 for inspections and testing procedures for Old System Phase 1 and 2 and Freezer Machine Room Phase 1.

78. During the May 25-26, 2022, inspection, Hudsonville claimed there is no regular frequency for inspections and tests of process equipments and it did not provide records for equipment inspections to EPA.

(g) Management of change

79. Hudsonville finalized management of change (MOC) forms in or around 2020-2021 but Hudsonville staff did not sign off to confirm review of the forms until May 18, 2022. Hudsonville did not update the process safety information due to changes in 2020-2021.

80. As of May 25, 2022, Hudsonville had not updated SOPs for the MOC forms titled 2021-1, 2021-2, and 2021-3 that Hudsonville finalized in or around 2020-2021.

(h) Pre-startup safety review

81. For the significant modifications in 2020-2021, Hudsonville did not provide documentation that each employee involved in operating a covered process completed training.

(i) Compliance audits

82. A compliance audit dated February 17 and 18, 2021, identified missing design codes and standards for the original ammonia system. Hudsonville waited until May 11, 2022, almost 15 months, to assign the recommended action and correct deficiencies in the design codes and standards.

(j) Incident investigation

83. On December 1, 2021, an ammonia leak occurred in the mechanical room. The contractor's investigation report described the incident and provided recommendations of corrective actions, including checking isolation valves and implementing three additional secondary processes. However, there is no documentation that Hudsonville has a system to promptly address and resolve incident report findings and recommendations. Hudsonville also did not document completion of the corrective actions following the December incident.

(k) Contractors

84. Hudsonville did not explain the applicable provisions of the Emergency Response or Emergency Action Plan requirements to its contractors.

85. Hudsonville did not develop or implement safe work practice standards to control the entrance, presence, and exit of contractors in the covered process areas.

86. Hudsonville does not have a plan to evaluate the performance of contractors. Hudsonville assigned recommended actions related to contractors from the February 2021 compliance audit to Courtney Miller on May 11, 2022, to be completed on May 11, 2023.

(l) Emergency response

87. Hudsonville's emergency response program does not contain procedures for the use of emergency response equipment and for its inspection, testing, and maintenance.

III. Violations

(a) Management

88. Hudsonville failed to assign a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements in violation of 40 C.F.R. § 68.15(b).

(b) Process Safety Information

89. Hudsonville failed to include the information pertaining to the technology of the process such as the safe upper and lower limits for such items as temperatures, pressures, flows or compositions, and an evaluation of the consequences of deviations for the Old System Phase 1 and 2 in violation of 40 C.F.R. § 68.65(c)(1).

90. Hudsonville failed to document information pertaining to ventilation system design for the original refrigeration system and subsequent modifications, and failed to document the safety system for the covered process for Old System Phase 1 and 2 in violation of 40 C.F.R. § 68.65(d)(1).

(c) Process Hazard Analysis

91. Hudsonville failed to establish a system to promptly address the team's process hazard analysis findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; complete actions as soon as possible; and communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions in violation of 40 C.F.R. § 68.67(e).

92. Hudsonville failed to update or revalidate the process hazard analysis at least every five years after the completion of the initial process hazard analysis in violation of 40 C.F.R. § 68.67(f).

93. Hudsonville failed to retain the process hazard analysis and updates/revalidations for each covered process, and resolutions of recommendations for the life of the process in violation of 40 C.F.R. § 68.67(g).

(d) Operating Procedures

94. Hudsonville failed to include the functionalities of the safety system for Freezer Machine Room Phase 1 and 2 in the operating procedures in violation of 40 C.F.R. § 68.69(a)(4).

95. Hudsonville failed to certify annually that the operating procedures are current and accurate and that procedures have been reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in the process chemicals, technology, and equipment, and changes to the stationary sources in violation of 40 C.F.R. § 68.69(c).

96. Hudsonville failed to develop and implement safe work practices for employees and contractor employees to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a stationary source by maintenance, contractor, laboratory, or other support personnel in violation of 40 C.F.R. § 68.69(d).

(e) Training

97. Hudsonville failed to provide training certificates for employees involved in operating covered processes including Freezer Machine Room Phase 1 and 2 and failed to provide training documents that show that employees were initially trained for the newly assigned processes in violation of 40 C.F.R. § 68.71(a).

98. Hudsonville failed to provide refresher training every 3 years to employees involved in the covered processes to assure that the employees understood and adhered to current operating procedures of the process in violation of 40 C.F.R. § 68.71(b).

99. Hudsonville failed to provide a record which contains the means used to verify that employees understood training in violation of 40 C.F.R. § 68.71(c).

(f) Mechanical integrity

100. Hudsonville failed to establish and implement written procedures to maintain the ongoing integrity of the process equipment listed in Section 68.73(a) in violation of 40 C.F.R. § 68.73(b).

101. Hudsonville failed to train each employee involved in maintaining the on-going integrity of the process equipment in violation of 40 C.F.R. § 68.73(c).

102. Hudsonville failed to perform inspections and tests on all process equipment in or around 2018 in violation of 40 C.F.R. § 68.73(d)(1).

103. Hudsonville failed to follow recognized and generally accepted good engineering practices including ANSI IIAR 6-2019 for inspections and testing procedures on the Old System Phase 1 and 2 and Freezer Machine Room Phase 1 in violation of 40 C.F.R. § 68.73(d)(2).

104. Hudsonville failed to ensure the regular frequency of inspections and tests of process equipment consistent with applicable manufacturers' recommendations, good engineering practices, and prior operating experience in violation of 40 C.F.R. § 68.73(d)(3).

105. Hudsonville failed to document each inspection and test that had been performed on process equipment for the Old System Phase 2 in or around 2019 and for the Freezer Machine Room Phase 1 and 2 in or around 2021-2022 in violation of 40 C.F.R. § 68.73(d)(4).

(g) Management of change

106. Hudsonville failed to update the information in the process safety information based on changes documented in the 2020-2021 MOC forms in violation of 40 C.F.R. § 68.75(d).

107. Hudsonville failed to update operating procedures or practices due to the changes documented in the 2020-2021 MOC forms in violation of 40 C.F.R. § 68.75(e).

(h) Pre-startup safety review

108. After significant modifications to the covered process in 2020-2021, Hudsonville failed to document that employees involved in the covered process completed training as part of the pre-startup safety review in violation of 40 C.F.R. § 68.77(b)(4).

(i) Compliance audits

109. Hudsonville failed to determine and document an appropriate response to each of the findings of the February 2021 compliance audit and to document that the deficiencies had been corrected, specifically lack of design codes and standards for the original system, and Hudsonville waited until May 11, 2022, to assign this task to be completed on May 11, 2022, in violation of 40 C.F.R. § 68.79(d).

(j) Incident Investigation

110. Hudsonville failed to resolve incident findings and recommendations for the December 1, 2021, ammonia leak and also failed to document resolutions and corrective actions, in violation of 40 C.F.R. § 68.81(e).

(k) Contractors

111. Hudsonville failed to explain the applicable emergency response provisions and the emergency action plan requirements to its contractors in violation of 40 C.F.R. § 68.87(b)(3).

112. Hudsonville failed to develop or implement safe work practice standards to control the entrance, presence, and exit of contractors involved in the covered process areas in violation of 40 C.F.R. § 68.87(b)(4).

113. Hudsonville failed to evaluate the performance of contractors in fulfilling their obligations under section 68.87(c) in violation of 40 C.F.R. § 68.87(b)(5).

(l) Emergency response

114. Hudsonville's emergency response program does not contain procedures for the use of emergency response equipment and for its inspection, testing, and maintenance in violation of 40 C.F.R. § 68.95(a)(2).

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division